

**CODIFIED ORDINANCES OF BROOKLYN**

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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## CODIFIED ORDINANCES OF BROOKLYN

### PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

#### TITLE ONE - Street and Sidewalk Areas Chap. 905. Trees.

#### CHAPTER 905 Trees

**905.01 Permit; regulating the planting, maintenance and removal of trees from tree lawns.**

**905.02 Tree planting program on sublots for new dwellings.**

#### CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20  
Assessments for tree planting or maintenance - see Ohio R.C. 727.011  
Forestry program - see S.U. & P.S. Ch. 967

#### **905.01 PERMIT; REGULATING THE PLANTING, MAINTENANCE AND REMOVAL OF TREES FROM TREE LAWNS.**

(a) No individual, partnership or corporation shall plant, remove, trim, spray or tamper with any tree within a tree lawn (space between curb and sidewalk) on any street within the City of Brooklyn without first obtaining a permit from the Service Department of the City of Brooklyn. The fee for said permit shall be one dollar (\$1.00) and shall cover the cost of inspection by the Service Department.

(b) The planting of silver maple, poplar and Chinese elm trees in any tree lawn within the City of Brooklyn is hereby prohibited.

(c) No American elm tree shall be planted except in residential areas where the setback line is 35 feet or more and the tree lawn has a minimum of 15 feet in width and is free of overhead wires.

(d) Any type of tree permitted by this section shall not be planted within 45 feet of any other tree planted in the tree lawn except that a special permit may be obtained where circumstances show a minimum of 40-foot spacing. Provided, however, that no tree shall be planted in a tree lawn within 20 feet of an intersecting street.  
(Ord. 1952-39. Passed 12-22-52.)

(e) Whoever violates any provision of this section or fails to comply therewith, or any requirements thereof, shall, for each and every violation or noncompliance, be guilty of a minor misdemeanor. Each day during which such violation shall continue shall constitute a separate offense.

**905.02 TREE PLANTING PROGRAM ON SUBLOTS FOR NEW DWELLINGS.**

(a) A tree shall be required on the tree lawn of each residential lot within the City upon which a new residential dwelling is to be constructed. The type and species of the tree to be planted shall be determined by the Director of Public Service. The tree shall be purchased and installed by the City.

(b) A fee of fifty dollars (\$50.00) for the implementation of the tree planting program is hereby established. The fee shall be payable by the owner of the subplot upon which the new dwelling is to be constructed and shall be paid to and collected by the City at the time the building permit for said dwelling is applied for.

(Ord. 1978-27. Passed 10-23-78.)

**TITLE THREE - Utilities**

Chap. 921. Water.

Chap. 925. Sewers.

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**CHAPTER 921****Water****921.01 Use of fire hydrants; fees;  
deposit and inspection.****921.02 Storm water runoff.****CROSS REFERENCES**

Tampering - see Ohio R.C. 4933.22

Water pollution control - see Ohio R.C. Ch. 6111

Backflow - see OAC 4101:2-51-38

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**921.01 USE OF FIRE HYDRANTS; FEES; DEPOSIT AND INSPECTION.**

(a) Permit Required to Use Water; Fees. No person shall make a connection with any fire hydrant, to take water therefrom for private use, unless such person shall have first applied for and obtained from the Fire Chief a fire hydrant permit, the fee for which shall be ten dollars (\$10.00) and which shall be for permission to use such hydrant. A multi-fire hydrant permit may be issued, authorizing the use of all fire hydrants, regardless of number, located on a portion of or in one street, the termini to be fixed by the Fire Chief, which termini shall be specified in the permit. For a multi-fire hydrant permit a fee of thirty-five dollars (\$35.00) shall be charged. In addition to the permit fees, the applicant shall pay the City of Cleveland for all water used from the hydrants, an amount based upon an estimate of water consumed. All fees required herein shall be paid to the Director of Finance.

(b) Deposit to Accompany Application. A deposit of three hundred dollars (\$300.00) shall accompany each application for a fire hydrant permit, and a deposit of five hundred dollars (\$500.00) shall accompany each application for a multi-fire hydrant permit, which respective deposits shall be applied toward the payment of any damage suffered by the City or the payment of any claims against the City made by anyone by reason of the use of any fire hydrant by the applicant for the permit, or his representatives. In the absence of any damages or claims, the deposit shall be returned to the applicant who made the same.

(c) Receipt Required Before Using Water. Upon the issuance of a fire hydrant permit or multi-fire hydrant permit, it shall be the duty of the applicant to whom it is issued to immediately, and before making any connection to or using the hydrant in any way, present such permit to the Division of Water of the City of Cleveland and there obtain a receipt showing payment for the water estimated to be used under and by virtue of the permit, in accordance with the rates, rules and regulations of the City of Cleveland Water Division, which receipt shall then be presented and exhibited to the Fire Chief, together with a written statement by the applicant as to the period of time during which the hydrant set forth in the permit will be used by him. All of the foregoing provisions shall be complied with by the applicant before making any connection to or using any hydrant for the use of which a permit has been granted, as hereinbefore provided.

(d) Permit Expiration. All fire hydrant permits issued pursuant to the provisions of this section shall expire by limitation upon completion of the work contemplated and in connection with which such permit was obtained, but in no event shall any permit remain in force and effect for a period of more than sixty days.

(e) Agreement to Indemnify City. All fire hydrant permits shall be issued subject to and on the express condition that the person to whom such permit is issued shall indemnify and save harmless the City from all loss or damage that may be occasioned or in any way caused it by the want of care, skill or attention on the part of the applicant, or of anyone in his employ, in the making of a connection with, or in the use of, any fire hydrant or any hose connected thereto, and that such applicant will, in the event any damage is caused to any fire hydrant or any hose connected thereto, and that such applicant will, in the event any damage is caused to any fire hydrant to the City in the use thereof under a permit, promptly and fully reimburse the City for the cost and expense of the repairs necessary thereto beyond the amount of his deposit.

(f) Reducing Couplings Required. All hydrants used under a permit for any purpose shall have reducing couplings attached to the nozzles of the fire hydrants with an independent valve for regulating the supply. The main valve of the hydrant shall be opened full at the beginning of work each day and remain open until the stoppage of work at night. The hydrant shall be operated only by a proper hydrant key.

(g) Inspection of Hydrant After Use. Upon completion of the use of a fire hydrant, the person to whom a fire hydrant permit shall have been issued shall notify the Fire Chief thereof, and it shall then be the duty of the Chief, or an assistant under his direction, to promptly inspect each fire hydrant used pursuant to such fire hydrant permit and make a report of the condition thereof and the repairs, if any, he shall find necessary thereto, to the Director of Safety-Service. No further fire hydrant permits shall be issued to the persons making such repairs necessary until the City shall have been reimbursed for the cost thereof.

(h) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree.  
(Ord. 1983-2. Passed 1-10-83.)

**921.02 STORM WATER RUNOFF.**

(a) Performance Standards. No person, firm, corporation, public agency, partnership, or association shall develop any real property and accelerate or concentrate the runoff of storm water without complying with the following performance standards:

- (1) For all watershed areas, the storm drainage system(s) shall be designed and constructed so that the post-development storm water runoff is equal to, or less than the storm water runoff from the watershed in its natural state; or equal to or less than the capacity of the downstream storm drainage system(s), whichever is less.
- (2) For all developments, the storm drainage system(s) shall be designed and constructed so that the post-development storm water runoff is equal to or less than the storm water runoff from the development area in its natural state; or equal to or less than the development=s proportional share of the capacity of the downstream storm water drainage system(s), whichever is less.

(b) Storm Drainage Design. The criteria to be used for the design of storm drainage systems shall be that as set forth in the Uniform Standards for Sewage and Drainage Improvements as adopted by the Cuyahoga County Sanitary Engineering Department, the City of Cleveland, the Cleveland Regional Sewer District, the Cuyahoga County Municipal Engineers Association, the Ohio Environmental Protection Agency and the Northeast Ohio Areawide Coordinating Agency.

(c) Storm Water Runoff Control. The control or reduction of post-development storm water runoff, may be accomplished by the use of storm water detention basins, underground storm water detention facilities, or other methods approved by the City of Brooklyn.

(d) Ownership.

- (1) The developer shall either give the City clear title to the storm water detention facility site while reserving to himself the right to use this area for recreation purposes, or grant the City an easement over such site, thereby giving the City the right to determine what other areas of the City may use this site to reduce the storm water runoff from another development.
- (2) Should a developer request to use any excess or surplus water storage capacity in a particular off-site detention facility, owned or controlled by the City, as a substitution for all or part of the water storage volume required to reduce the developed storm water runoff from his development, upon the recommendation of the City Engineer or the City=s Consulting Engineer and upon the approval of Council, the City may enter into such an agreement with the developer, providing the developer assumes all costs associated therewith.

(e) Applicability. The provisions herein shall be applicable to all developments of 5.0 acres or larger.

(f) Approvals. The storm water detention facility shall be part of the conceptual and detailed plans for the development and must have the approval of the Council, Planning Commission, City Engineer, City Architect or other reviewing Boards or Committees, as required by the City of Brooklyn.

(g) Penalty. Whoever violates any provision of this section is guilty of a misdemeanor of the second degree on the first offense and a misdemeanor of the first degree on the second or any subsequent offense.

(Ord. 1987-1. Passed 1-5-87.)



## CHAPTER 925 Sewers

### **925.01 Sewer charge to be based on the actual amount of water discharged; separate meters.**

#### CROSS REFERENCES

Sewerage districts - see Ohio R.C. 727.44 et seq.

Assessments - see Ohio R.C. Ch. 729

Household sewage disposal systems - see OAC Ch. 3701-29

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### **925.01 SEWER CHARGE TO BE BASED ON THE ACTUAL AMOUNT OF WATER DISCHARGED; SEPARATE METERS.**

(a) Charge Based on Actual Amount of Water Discharged. If all or any part of the water on which a sewer rental charge is based is shown by an approved measuring device not to have passed into the City sewerage system, then the charge shall be based upon the actual amount of water passing into such system.

(b) Separate Water Meter Installed. Upon approval of the Director of Public Service, a resident shall be permitted to have a separate water meter installed solely for the purpose of watering his grass and for landscaping features.

- (1) Upon approval of the Director of Public Service, the Building Commissioner shall issue a permit for a separate water meter, and shall forward said permit to the Department of Public Utilities of the City of Cleveland.
- (2) Permit shall be five dollars (\$5.00) payable upon issuance of said permit by the Building Commissioner.
- (3) All installation charges, cost of plumbing and connection to an additional water meter, shall be the sole responsibility of the property owner requesting said meter.  
(Ord. 1991-94. Passed 9-9-91.)



## **TITLE FIVE - Other Public Services**

Chap. 951. Garbage Collection; Recycling.

Chap. 959. Senior Citizens.

Chap. 963. Recreation Center.

Chap. 967. Forestry Program.

### **CHAPTER 951**

#### **Garbage Collection; Recycling**

<b>951.01</b>	<b>Definitions.</b>	<b>951.05</b>	<b>Collection of recyclable materials.</b>
<b>951.02</b>	<b>Container requirements.</b>	<b>951.06</b>	<b>Rules and regulations.</b>
<b>951.03</b>	<b>Placement of garbage and refuse for collection; prohibited items.</b>	<b>951.99</b>	<b>Penalty.</b>
<b>951.04</b>	<b>Placement of recyclable material.</b>		

#### **CROSS REFERENCES**

Collection and disposal - see Ohio R.C. 715.43, 717.01

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

#### **951.01 DEFINITIONS.**

As used in this section:

- (a) AResidential unit@ means the place of abode of persons living separately or together as an independent family.
- (b) ADouble-family residence@ means the grouping together of two residential units under a common roof.
- (c) AMulti-family residence@ or Apartment@ means the grouping together of three or more residential units under a common roof.
- (d) AGarbage@ means the waste or offal of any fish, fowl, fruit, vegetable or animal matter resulting from the preparation of food for human consumption from houses, kitchens, hotels, restaurants, markets, rental property, boarding houses, etc.

- (e) ARefuse@ means paper, barrels, boxes, baskets, wood, rags, old shoes, leather, carpets, broken glass, crockery, rubber, ashes, discarded furniture, including beds, springs, mattresses, overstuffed furniture and other furniture, appliances, bicycles, sleds, swing sets, tools and comparable material and yard refuse materials, including grass clippings, weeds, Christmas trees, bushes and brush and branch clippings, when securely bound in bundles not exceeding four feet in length. However, the term does not include earth, sod, rocks, concrete, bricks, stones, sand, plaster or other substances accumulating as a result of building construction or remodeling and trees or parts thereof, except small branches bundled as provided herein. This term also does not include the material defined under Arecyclable material@.
- (f) ADirector@ means the Director of Public Services of the City.
- (g) ARecyclable material@ means ferrous (tin) and non-ferrous (aluminum cans), newspapers, glass bottles, PET/HDPE plastic bottles and cardboard.
- (h) ARecycling container@ means an eighteen gallon bright yellow container in which glass bottles and jars, aluminum and tin cans, newspapers, and plastic beverage containers are to be placed and co-mingled, according to instructions, by the occupants of each residential unit. Such bins must meet the requirements of the Director. (Ord. 1990-17. Passed 3-26-90.)

#### **951.02 CONTAINER REQUIREMENTS.**

An eighteen gallon bright yellow recycling container shall be provided to each household, at no cost to the household. Replacement or additional containers shall be charged, at cost, to the residence. Garbage/refuse containers shall be suitable for holding the same. Each container shall be watertight, not greater than 30-gallon capacity and provided with suitable handles on the outside and a tightly fitting cover which shall not be removed except when necessary in the use of such containers. Degradable plastic bags will be allowed for garbage/refuse disposal. (Ord. 1990-17. Passed 3-26-90.)

#### **951.03 PLACEMENT OF GARBAGE AND REFUSE FOR COLLECTION; PROHIBITED ITEMS.**

(a) All items of refuse shall be placed in standard garbage and refuse containers as provided in Section 951.02. However, brush and branch clippings may be tied securely in bundles not exceeding four feet in length and placed curbside by the resident. Large items, such as Christmas trees, discarded furniture, appliances, bicycles, sleds, swing sets, tools and comparable materials, shall be placed by the homeowner/occupant at the curb for special collection, subsequent to phoning a special collection request in to the City Garage Dispatcher. Designated special collection days are Monday, Wednesday and Friday, unless said day of the week is a holiday.

(b) No garbage shall be permitted to stand on any street or other public place in the City except in a container as provided in Section 951.02, or for a period of time greater than necessary for the collection and removal therefore, as provided hereafter. No person, firm or individual shall in any way place or deposit rubbish, garbage, recyclables or other debris for collection by the Service Department of Brooklyn on any portion before or ahead of the front building line on their premises between 3:00 p.m. on Fridays and 6:30 a.m. on the next succeeding Monday, or between 3:00 p.m. on the afternoon preceding a holiday and 6:30 a.m. the next succeeding weekday, not otherwise a holiday or weekend.

(c) Refuse collection provided shall not include the removal of earth, sod, rocks, concrete, refuse resulting from remodeling or construction of homes and trees or parts thereof, except small branches as provided in subsection (a) hereof.  
(Ord. 1990-17. Passed 3-26-90.)

#### **951.04 PLACEMENT OF RECYCLABLE MATERIAL.**

On the regularly scheduled garbage collection day, residents shall place recyclable materials in the proper container(s) alongside bins, cans or bags containing household refuse and garbage for early morning pick-up by City personnel who will take materials to the curb at which time said materials become the property of the City. All persons residing in residential dwelling units in the City of Brooklyn affected by this section, shall place their recyclable material in the appropriate recycling container and keep such material separate from their other garbage and refuse. Newspapers shall be bound or put in paper sacks and placed on top of the recycling container. (Ord. 1990-17. Passed 3-26-90.)

#### **951.05 COLLECTION OF RECYCLABLE MATERIALS.**

(a) Upon the placement of recyclable materials curbside, said materials become the property of the City.

(b) Once the recyclable materials are placed at the curb, no person, other than an authorized City recycling crewperson, shall remove recyclable waste material which has been placed curbside for collection by the City. Any and each such collection in violation hereof from one or more designated curbside collection places shall constitute a separate and distinct offense punishable as provided in this chapter.

(c) Nothing in this section shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable waste material, provided such donation, sale or disposal takes place prior to placement of recyclables at the curb of a residence.  
(Ord. 1990-17. Passed 3-26-90.)

#### **951.06 RULES AND REGULATIONS.**

The Director of Public Service shall have full and complete authority to make such other rules and regulations, not inconsistent herewith, pertaining to the collection and disposal of garbage and refuse and recyclable material, as well as to the administration thereof, as he may deem advisable. (Ord. 1990-17. Passed 3-26-90.)

**951.99 PENALTY.**

(a) Residents will be given a maximum of two warnings, via a Notice of Noncompliance, which shall be posted on the recycling bin, a regular garbage container, or at the side door of the residential unit where the noncompliance occurs.

(b) On the third and fourth violations, the occupant shall be guilty of a minor misdemeanor and be fined not more than one hundred dollars (\$100.00). Each violation shall be considered a separate offense, carrying separate penalties.

(c) The fifth violation shall invoke a termination of all refuse collection and disposal services to the residential unit where the violation occurs with written notice of said termination to be delivered to the residential unit occupant by certified mail and regular mail, and by posting on the door of the residential unit. Following fifteen days receipt of said notice, the occupant of the residential unit in noncompliance must take appropriate measures to dispose of its household waste in a manner so as not to pose a threat to the public health, safety and welfare. At the minimum, household refuse must be disposed of on a bi-weekly basis and records of such collection should be maintained by the property owner should a question or complaint arise.  
(Ord. 1990-17. Passed 3-26-90.)

**CHAPTER 959**  
**Senior Citizens**

**959.01 Registration for grass cutting services.**

**959.02 Registration for snow removal services.**

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**959.01 REGISTRATION FOR GRASS CUTTING SERVICES.**

(a) It is hereby determined to provide a grass cutting service for residents of the City of Brooklyn residing in single family dwellings and meeting the following qualifications:

- (1) The registrant and all occupants must not be less than sixty-five years of age;
- (2) The registrant must own the home;
- (3) The registrant must release the City, its servants, agents and employees from any liability arising out of cutting grass on the registrant=s property.

(b) Each registrant for this service shall register with the City by completing a form in the manner and form provided by the Director of Senior Citizens Services and shall pay an annual registration fee of ten dollars (\$10.00), payable in person, at the Brooklyn Community-Senior Center.

(c) Any resident currently participating in the program on the effective date of this section may continue to participate in the service.  
(Ord. 2002-6. Passed 1-14-02.)

**959.02 REGISTRATION FOR SNOW REMOVAL SERVICES.**

(a) It is hereby determined to provide a snow removal service for residents of the City of Brooklyn residing in single family dwellings and meeting the following qualifications:

- (1) The registrant and all occupants must be not less than sixty-five years of age;
- (2) The registrant must own the home, which must have a solid driveway, (no grass strip down the center or gravel);
- (3) The registrant must release the City, its servants, agents and employees from any liability arising out of snow removal on the registrant=s property.

(b) Each registrant for this service shall register with the City by completing a form in the manner and form provided by the Coordinator of Senior Citizens Services and shall pay an annual registration fee of ten dollars (\$10.00), payable in person, at the Brooklyn Community-Senior Center.

(c) Any resident currently participating in the program on the effective date of this section may continue to participate in the service.  
(Ord. 2001-30. Passed 6-25-01.)



## CHAPTER 963 Recreation Center

<b>963.01</b>	<b>Identification card.</b>	<b>963.051</b>	<b>Fee for flag football program.</b>
<b>963.02</b>	<b>Fees for ice skating rink.</b>	<b>963.052</b>	<b>Backyard fun facilities.</b>
<b>963.03</b>	<b>Fees for racquetball courts.</b>	<b>963.06</b>	<b>Rules and regulations.</b>
<b>963.04</b>	<b>Rink and ice space rental.</b>	<b>963.07</b>	<b>Late registration fee.</b>
<b>963.05</b>	<b>General admission to natatorium and outdoor swimming complex.</b>		

### **963.01 IDENTIFICATION CARD.**

The Department of Recreation shall provide for the preparation and issuance of identification cards to all residents of the City who desire said card. The card shall be wallet size, made of a permanent material, contain information regarding the applicant=s name, age, sex, residence address and shall also have thereon a photographic reproduction of the applicant=s face; said card shall not be transferable. Each applicant shall pay a fee for said card as follows:

<u>Applicant=s Age</u>	
0 to 5	None
6 to 17	\$3.00
18 to 59	\$4.00
60 and over	\$3.00

For lost or mutilated cards      \$5.00

(Ord. 1998-21. Passed 5-11-98.)

### **963.02 FEES FOR ICE SKATING RINK.**

Fees for admission to and use of facilities shall be as follows:

- |     |     |   |                     |
|-----|-----|---|---------------------|
| (a) | (1) | General admission for ice skating with resident identification cards: |                     |
|     |     | 18 and over   | \$1.00 per entrance |
|     |     | 17 and under  | .50 per entrance    |
|     | (2) | Without resident identification card:                                 |                     |
|     |     | 18 and over   | \$4.00 per entrance |
|     |     | 17 and under  | 3.00 per entrance   |
|     |     | 60 and over   | 3.00 per entrance   |

## (b) Season passes for ice skating shall be as follows:

## (1) Full season with identification card:

18 to 59	\$35.00
17 and under	20.00
60 and over	No charge

## (2) Without resident identification card:

18 and over	80.00
17 and under	50.00

## (3) Half season with resident identification card:

18 to 59	20.00
17 and under	12.50
60 and over	No charge

## (4) Half season without resident identification card:

18 and over	50.00
17 and under	35.00

## (5) Family passes issued for the full season only, and including the head of a household and spouse and all children under eighteen years of age with resident identification cards: 50.00

(c) Ice Rink Spectator Area:

## (1) During regular sessions .25

(Anyone under 18 years of age must be accompanied by an adult)

## (2) Special events As determined

(d) Equipment. All items offered for sale at the ice rink shall be sold at prices determined by the Ice Rink Manager, and comparable to the price for similar merchandise at other outlets. The prices shall be prominently displayed.

(e) Skate Rental:

With resident identification card	.50 per session
Without resident identification card	2.00 per session
Skate sharpening	3.00

(Ord. 1998-21. Passed 5-11-98.)

(f) Learn to Skate. The fee for an eight week Learn-to-Skate group session at the Brooklyn Multi-Purpose Recreational Center shall be twelve dollars (\$12.00) for residents who have the required identification card. The fee for those persons not having a resident identification card shall be twenty-five dollars (\$25.00). An additional fee in the range of four dollars (\$4.00) to seven dollars (\$7.00) once per year may be charged to registrants wishing to join membership with the United Figure Skating Association. Membership runs September 1 through August 31, each year. This range will allow for the possible increases that may occur yearly by the United Figure Skating Association.

(Ord. 2000-42. Passed 6-12-00.)

**963.03 FEES FOR RACQUETBALL COURTS.**

Admission to the handball courts shall be as follows:

Racquetball Courts: Per court

- (a) From opening until 5:00 p.m. per hour  
and with resident identification card \$5.00
- (b) After 5:00 p.m. until closing, and with  
resident identification card, per hour 5.00
- (c) There shall be a charge for any player without  
a resident identification card who is a guest  
of a resident, per hour of 2.00 extra

(Ord. 1998-21. Passed 5-11-98.)

**963.04 RINK OR ICE SPACE RENTAL.**

Fees for rink or ice space rental shall be as follows:

- (a) Hockey, Speed, Figure Skating Club:  
At a rate of not less than \$80.00 per hour, not more than \$200.00 per hour, to be  
determined by the Recreation Center Manager based on time of usage and type of  
activity.
- (b) Private Party Rental:  
50 or less persons: Not less than \$80.00, no more than  
\$200.00 per hour.  
  
Over 50 persons: Hourly rate of \$80.00 minimum to  
\$200.00 maximum plus \$1.00 per  
person per hour over 51 persons.  
  
200 or more persons: To be determined by the Recreation  
Center Manager.

**963.05 GENERAL ADMISSION TO NATATORIUM AND OUTDOOR  
SWIMMING COMPLEX.**General Admission Rates.

- (1) Residents.
  - Adult \$1.00
  - Students .50
  - Seniors (60 and over) Free
- (2) Guest/Corporate.
  - Adult 4.00
  - Students 3.00
  - Seniors (60 and over) 2.00
- (3) Nonresidents.
  - Adult 7.00
  - Students 5.00
  - Seniors (60 and over) 3.00

- (4)     Tots. Up to 5 years. Must be accompanied by an adult.  
          Students. Ages 6 through 17.  
          Adults. Ages 18 and over.  
          Seniors. Ages 60 and over.

(b)     Fees includes swimming, sauna, steam, whirlpool and cardiovascular room. Patrons are responsible for their guests= actions and must remain in the building for the extent of their guests= stay.

(c)     Use of sauna, steam, whirlpool and cardiovascular room are restricted to patrons 16 years for age or older.  
(Ord. 1998-20. Passed 5-11-98.)

**963.051 FEE FOR FLAG FOOTBALL PROGRAM.**

The fee for participation in a ten week session of Flag Football shall be twelve dollars and fifty cents (\$12.50) for youths grades three through seven having a resident identification card.  
(Ord. 1996-48. Passed 9-9-96.)

**963.052 BACKYARD FUN FACILITIES.**

(a)     Any resident or nonresident wishing the use the Backyard Fun recreational area facilities must obtain a resident, corporate or nonresident identification card.

(b)     Rental fees for the in-line skating facility located in the City=s Backyard Fun recreational area shall be as follows: Not less than twenty-five dollars (\$25.00) per hour, nor more than seventy-five dollars (\$75.00) per hour, to be determined by the Recreation Commissioner, based on time of usage and type of activity.

The guest of a resident fees for use of the basketball, tennis, volleyball and in-line skating facilities in the Backyard Fun recreational area shall be as follows: There shall be a two dollar (\$2.00) guest fee for any player accompanied by a valid resident identification card holder, providing the guest does not have a valid Brooklyn Recreation Center corporate or nonresident identification card. (Ord. 2000-58. Passed 6-26-00.)

**963.06 RULES AND REGULATIONS.**

Rules and regulations governing the conduct of persons using the facilities of the multi-purpose recreation center shall be promulgated by the Recreation Commissioner and duly posted in a prominent and conspicuous area of the building.  
(Ord. 1998-21. 5-11-98.)

**963.07 LATE REGISTRATION FEE.**

Each participant in a City of Brooklyn program for which registration is required and a deadline established shall be charged, in addition to the cost of the registration for said program, a late registration fee within the range of ten dollars (\$10.00) to fifty dollars (\$50.00), to be determined by the head of the affected department.  
(Ord. 2000-52. Passed 6-26-00.)

## **CHAPTER 967**

### **Forestry Program**

<b>967.01</b>	<b>Definitions.</b>	<b>967.08</b>	<b>Removal of a tree.</b>
<b>967.02</b>	<b>Permits.</b>	<b>967.09</b>	<b>Protection of public trees.</b>
<b>967.03</b>	<b>Issuance of permits.</b>	<b>967.10</b>	<b>Prohibitions.</b>
<b>967.04</b>	<b>Application for permits.</b>	<b>967.11</b>	<b>Required pruning.</b>
<b>967.05</b>	<b>Fees for permits.</b>	<b>967.12</b>	<b>Orders.</b>
<b>967.06</b>	<b>Emergencies.</b>	<b>967.99</b>	<b>Penalty.</b>
<b>967.07</b>	<b>Plans.</b>		

### **CROSS REFERENCES**

Trees - see S.U. & P.S. Ch. 905

#### **967.01 DEFINITIONS.**

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein, when not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

- (a) "City" shall mean the City of Brooklyn, Ohio.
- (b) A Municipal Forestry Program shall be synonymous with "City Tree Planting Program" and shall include, but not be limited to: tree planting maintenance and replacement; leaf collection and disposal; community relations activities; information on tree plantings, seedling distributions, Arbor Day observations; and any enforcement of City ordinances relating to the City's tree planting program
- (c) "Person" shall mean an individual, corporation, the City of Brooklyn and any of its departments, boards or commissions, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity; however, "person" shall not mean the United States, the State of Ohio, or any political subdivision thereof, except the City of Brooklyn.
- (d) "Public tree" shall mean a tree located on a street, park or other property owned by the City of Brooklyn.
- (e) "Remove" shall mean the cutting down or damaging, whether by deliberate or negligent act or omission, of any tree which causes the tree to die within three years.
- (f) "Street" shall mean every public way set aside for travel by whatever word designated, including the area from property line to property line.

- (g) ATree@ shall mean:
- (1) Any self-supporting woody plant which has a well-defined stem with a diameter of at least four inches at four and one-half feet from the ground.
  - (2) Any dogwood, redbud or other conspicuously flowering woody plant as designated by the City Forest Manager which has a well defined stem of at least two inches diameter at four and one-half feet from the ground; or
  - (3) Any small seedling or sapling planted or protected specifically to become a large tree as described in paragraph (1) or (2) above.
- (h) AMunicipal Forestry Manager@ and the "Director of Public Service" shall be synonymous. The duties and responsibilities of the Municipal Forestry Manager shall be carried out by the Director of Public Service, as part of said Director's regular duties and said director shall receive no additional compensation therefor. Responsibilities of the Municipal Forestry Manager shall include, but not be limited to :
- (1) Management of the City's forestry program;
  - (2) Supervision of Public Service Department employees designated as municipal forestry specialists;
  - (3) Issuing of orders and permits for the planting, maintenance, protection and removal of any tree;
  - (4) Investigate complaints from any person concerning the planting, maintenance, protection and removal of any tree;
  - (5) Encourage and foster the planting of trees and other vegetation for the beautification of the City; and disseminate information to the public concerning proper selection and care of trees.
- (i) AMunicipal Forest Specialist@ means the Public Service Department employee(s) appointed by the Director of Public Service to assume responsibility of implementing the City's forestry program as part of said employee(s) regular job duties and such employee(s) shall not receive additional compensation therefor.
- (1) Duties of Municipal Forestry Specialist. In addition to such duties as may be imposed by the Director of Public Service, the municipal forestry specialist(s) shall plan, supervise, regulate, control the planting, protection, maintenance, removal and replanting of public trees, and utilize wood and forest products produced in the course of operations.
- (j) APark@ shall include all public parks having individual names.
- (k) "Public Places" shall include all other grounds owned or under the control of the City of Brooklyn, Ohio.
- (l) "Property Line" shall mean the outer edge of a street or highway easement.
- (m) "Tree Lawn" is that part of a street or highway, not covered by sidewalk or other paving lying between the property line and that portion of the street or highway used for vehicular traffic, usually the area between sidewalk and curb.
- (n) "Property Owner" shall mean the person owning such property as shown by the County Auditor's Plat of Cuyahoga County, Ohio.
- (o) "Tree Work" shall include, but not be limited to, planting, maintenance, protection, removal and replacement of trees.
- (p) "Dripline" shall mean the approximately circular vertical extension to the ground of the outermost branches and leaves of the tree, as an indication of the spread of the root system.
- (Ord. 1984-35. Passed 9-24-84.)

**967.02 PERMITS.**

No person shall commence or proceed with any operation involving a public tree included under or regulated by the provisions of this chapter without first obtaining a contractor's registration and proper permit from the Director of Public Service.  
(Ord. 1984-35. Passed 9-24-84.)

**967.03 ISSUANCE OF PERMITS.**

The Municipal Forestry Manager shall examine applications for permits within fifteen days after filing and issue the permit upon receipt of such permit fee as may be imposed by this chapter, if the proposed work complies with the provisions of this chapter and such regulations for the conduct of such as may be specified by the Municipal Forestry Manager, unless denied, with reasons for the denial stated in writing, within fifteen days of the date of application, this permit shall be deemed approved as applied for upon receipt of such permit fee as may be imposed by this chapter.  
(Ord. 1984-35. Passed 9-24-84.)

**967.04 APPLICATION FOR PERMITS.**

It shall be unlawful for any person to solicit for, or engage in, tree work within the City of Brooklyn without first obtaining a written permit. Such permit shall be granted by the Municipal Forestry Manager upon the filing of proper application to be furnished by him and furnishing satisfactory proof that said applicant is reasonably qualified by experience, training, and reputation to engage in such tree work.

- (a) Application shall be made by the owner of the property on which the proposed work is to be performed or by the owner's authorized agent, landscape architect or contractor employed in connection with the proposed work.
- (b) If the work is to be done by a public utility company pursuant to its regular operations, application shall be made by the public utility company or its authorized agent and may be for an annual permit.
- (c) If the work is to be performed within a street on behalf of the abutting property owner, the abutting property owner or such owner's agent shall apply for the permit.
- (d) If the work, other than for an abutting property owner, is to be performed in a street or another municipally owned property, application shall be made by the public officer having control over such property.
- (e) No person shall excavate any ditches, trenches, or do other subsurface work within the dripline of a public tree without first procuring a permit from the Municipal Forestry Manager.
- (f) No person shall by any type of construction reduce the size of a tree lawn without first procuring a permit from the Municipal Forestry Manager.
- (g) A person who removes or caused to be removed a public tree from the tree lawn or other public place may be required as a part of the issuance of a permit, to pay for cost to replace said tree at the appropriate planting time next following for the species selected.
- (h) All City departments shall be exempt from these permit provisions and shall be subject only to notification of the Municipal Forestry Manager of tree work to be performed.

(Ord. 1984-35. Passed 9-24-84.)

**967.05 FEES FOR PERMITS.**

Fees for permits for the planting, pruning or removal of public trees shall be based on the estimated cost of the planned work. Where the estimated cost of the work is not more than five hundred dollars (\$500.00), no fee. Where the estimated cost is more than five hundred dollars (\$500.00), one dollar (\$1.00) for each one hundred dollars (\$100.00) over five hundred dollars (\$500.00) or fraction thereof. Fees for annual permits shall be based on the same formula. The permit shall remain in force for one calendar year.  
(Ord. 1984-35. Passed 9-24-84.)

**967.06 EMERGENCIES.**

(a) No permit shall be required to remove any tree or part thereof which, by reason of damage by fire, windstorm, or other natural calamity, poses a threat to the public health or safety or which obstructs any public way.

(b) In the event of windstorm, fire, flood or other widespread natural calamity, the Mayor may declare a state of emergency and exempt operations necessary to remove threats to public safety from the permit requirements.  
(Ord. 1984-35. Passed 9-24-84.)

**967.07 PLANS.**

If the proposed work involves the removal of any public trees or planting of a public tree, the applicant shall file with the Municipal Forestry Manager plans and specifications showing the location, size and species of any trees to be planted; and any existing or planned buildings, street lights, traffic signals or signs, pavement, sidewalk, curb cut or public utilities. Such plans and specifications shall be in such form and include such additional information as may be required by the Municipal Forestry Manager.  
(Ord. 1984-35. Passed 9-24-84.)

**967.08 REMOVAL OF A TREE.**

No person shall remove any public tree without replacing such trees with trees of the equivalent dollar value in the vicinity of the removed trees. The value of trees shall be determined by the Municipal Forestry Manager in accordance with the tree's species, location, size and condition requirements. If no suitable location exists in the vicinity of the tree removed, or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City of Brooklyn equal to the difference in value between the tree removed and any replacement tree.  
(Ord. 1984-35. Passed 9-24-84.)

**967.09 PROTECTION OF PUBLIC TREES.**

No person shall make any excavation, place any fill, compact the soil, or construct any building, structure, street, sidewalk, driveway, pavement or public utility within fifteen feet of any public tree without first obtaining a permit for such work from the Municipal Forestry Manager and conducting such work in accordance with such permit.  
(Ord. 1984-35. Passed 9-24-84.)



**967.10 PROHIBITIONS.**

Except as authorized by permit issued by the Municipal Forestry Manager:

- (a) No person shall damage, cut, carve, prune or remove any public tree; nor attach any rope, wire, nails, advertising poster or other artifact to any public tree; nor allow any toxic substance to harm or damage any public tree; nor set fire to or otherwise injure by fire any other public tree.
  - (b) No person shall plant or transplant any tree in any street or park, or in any property owned by the City of Brooklyn, without the express written permission of the Municipal Forestry Manager.
  - (c) No person shall spray, inject, or otherwise apply any fertilizer or pesticide, including but not limited to dormant oil, insecticide, fungicide, herbicide or biological control, to any public tree.
- (Ord. 1984-35. Passed 9-24-84.)

**967.11 REQUIRED PRUNING.**

(a) The City of Brooklyn shall be responsible for pruning trees and shrubs on City property so that no tree or shrub shall obstruct or interfere with the free passage of pedestrians on any sidewalk or the free passage of vehicles on the paved portion of any street or the view of traffic signs or signals or with the extension or maintenance of wires for street lights. The minimum clearance shall be eight feet over sidewalk and fourteen feet over the paved portion of streets.

(b) Any person who has received from the City a grant to occupy the streets, lanes or public grounds of the City for the purpose of erecting and maintaining poles, wires, fixtures, brackets and supports for the necessary wires thereon shall, upon notification by the Municipal Forestry Manager that any such wire under its control is interfering with a public tree, prune such tree at no expense to the City within forty-eight hours or other reasonable time designated by the Municipal Forestry Manager in the notification in such manner as to remove any interference of the tree from the wires.

(Ord. 1984-35. Passed 9-24-84.)

**967.12 ORDERS.**

(a) Any tree or shrub growing on private property which obstructs a street or sidewalk, or which suffers from a communicable disease or insect infestation, as determined by the Municipal Forestry Manager, or his designee, which threatens the public welfare or the health of public trees is hereby declared to be a public nuisance.

(b) When the Municipal Forestry Manager ascertains that a tree or shrub growing on private property obstructs a street or sidewalk, the Municipal Forestry Manager may cause a notice to be mailed to the owner of the property that trees or shrubs on the property are obstructing a street or sidewalk and must be pruned to remove such obstruction within fifteen days of the mailing of the notice.

(c) When the Municipal Forestry Manager ascertains that the tree or shrub growing on private property suffers from a communicable disease or insect infestation which threatens the health of public trees, the Municipal Forestry Manager may cause a notice to be mailed to the owner of the property that trees or shrubs on the property suffer a communicable disease or insect infestation which threaten the health of public trees and must be treated or removed within fifteen days after the mailing of the notice.

(d) If the owner fails to comply with such notice, the Municipal Forestry Manager shall cause such trees or shrubs to be pruned, treated or removed as necessary to remove the obstruction or threat of communicable disease or insect infestation. The Municipal Forestry Manager shall record all expenses involved in such pruning, treating or removal and shall be authorized to collect such expenses from the property owner.

(e) The Municipal Forestry Manager may order any property owner or person responsible to correct any violation of the provisions of this chapter or make compensatory payments in accordance with regulations established herein. The Municipal Forestry Manager may revoke any permit previously approved.

(Ord. 1984-35. Passed 9-24-84.)

**967.99 PENALTY.**

Any person who violates any provision of this chapter or who fails to comply with a lawful order of the Urban Forestry Manager shall be guilty of a fourth-degree misdemeanor. Criminal penalties are not in place of any payments which may be required by this chapter.

(Ord. 1984-35. Passed 9-24-84.)